

REMARKS/ARGUMENTS

This paper is responsive to the non-final Office Action dated September 9, 2004, wherein:

Claims 38-218 were pending; and

Claims 38-218 were subject to restriction and/or election requirements.

Claims 71-110 have been canceled without prejudice or disclaimer of the subject matter recited therein and no new claims have been added by this amendment. Accordingly, claims 38-70 and 111-218 are currently pending in the above-identified patent application.

Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I. Claims 71-110, drawn to determining whether a node is failed and restore [*sic*] the failure, classified in class 370, subclass 216.

Group II. Claims 38-70 and 111-218, drawn to determination [of] network topology based upon a test packet, classified in class 370, subclass 252.

In response to the Examiner's restriction requirement, Applicants hereby elect, without traverse, to prosecute claims 38-70 and 111-218, drawn to determination [of] network topology based upon a test packet, classified in class 370, subclass 252.

Please cancel claims 71-110 without prejudice to the subject matter disclosed therein.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>10-12-04</u> .	
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Respectfully submitted,

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